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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/508,849	03/17/2000	SHIGEKAZU NAGATA	1110-266PCT	5291	
2292	7590 08/26/2003				
BIRCH STEWART KOLASCH & BIRCH			EXAMI	EXAMINER	
PO BOX 747 FALLS CHURCH, VA 22040-0747			HARRIS, ALANA M		
			ART UNIT	PAPER NUMBER	
		•	1642	17	
			DATE MAILED: 08/26/2003	DATE MAILED: 08/26/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application   Application							
## Deficie Action Summary    Examiner   Alana M. Harris, Ph.D.   1642		Application No.	Applicant(s)				
Alana M. Harris, Ph.D.   1642  - The MALLING DATE of this communication appears on the c. ver sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  If the period for reply appelled store is less than tilly (30) days, a reply white in the statistic manner of thiny (30) days with be considered timely.  If the period for reply appelled shows, he maintering active of the maining date of this communication.  If the period for reply appelled shows, he maintering active of the maining date of the communication.  If the period for reply appelled shows, he maintering active of the maining date of the communication.  If the period for reply appelled shows, he maintering active period will apply with one of the communication.  If the period for reply appelled shows is less than tilly (30) days, and show and the shows a state of the communication of the communication.  If the period for reply appelled shows is less than tilly (30) days, and shows a state of the communication of the communication.  A possible of the active of the communication of the communication of the communication.  Status  Status  Status  Status  Status  Size this application is in condition for allowence except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Of the above claim(s)		09/508,849	NAGATA ET AL.				
- The MALING DATE of this communication appears on the c_ver sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Extendinos for them she be are listed under the provisions of 3°C ERI. 138(a). In no event, however, may a reply be timely filled them to the provisions of 3°C ERI. 138(a). In no event, however, may a reply be timely filled them to the provisions of them to the provision of the provision of them to the provision of the	Office Action Summary	Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 3° CFR 1.35(a). Inn overal, however, may a risply be timely filed  - Extensions of time may be available under the provisions of 3° CFR 1.35(a). Inn overal, however, may a risply be timely filed  - If the period for reply specified above, the maximum statistory parted will apply and will expire SIX (6) MOXTHS from the mailing date of this communication.  - If NO period for reply is applied above. The maximum statistory parted will apply and will expire SIX (6) MOXTHS from the mailing date of this communication.  - Any may received by the Official term there have mailing date of this communication, even if timely filed, may reduce any expensed patent term seglectment. See 37 CFR 1.704(b).  - Status  1)	·	Alana M. Harris, Ph.D.	1642				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Elementarios for manyly be arisinate under the provision of 3° CFR 1.73(a), in no event, however, may a reply be timely filled Elementarios for manyly appealment under the provision of 3° CFR 1.73(a), in no event, however, may a reply be timely filled  If the period for reply specified above is less than hirty (30) days, a reply within the statutory minimum or thinly (30) days (30) the considered timely.  If the period for reply specified above, the maximum statutory period wall deply and will expire (35 th 50) AND							
1)  Responsive to communication(s) filed on 09 June 2003.  2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 2-6 and 8-12 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) 2-5 and 8-12 is/are allowed.  6)  Claim(s) 6 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) = accepted or b   objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) = approved by   disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Copies of the certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  Notice of Information (PTO-182)	A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute,  - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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#### **DETAILED ACTION**

## Response to Arguments and Amendments

- 1. Claims 2-6 and 8-12 are pending.
  - Claims 2, 3, 5, 6 and 8-12 have been amended.
  - Claims 2-6 and 8-12 are examined on the merits.
- 2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### Withdrawn Rejections

### Claim Rejections - 35 USC § 112

- 3. The rejection of claims 2, 3, 6 and 10-12 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention is withdrawn.
- 4. The rejection of claims 8 and 9 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn.

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### New Grounds of Rejection

#### Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (International Immunology 6(10): 1567-1574, 1994). Takahasi discloses an amino acid sequence represented from Gln of the 130<sup>th</sup> amino acid to C terminal amino acid residue as measure from N-terminal end of natural human Fas ligand, SEQ ID NO: 17, see attached database sheets. This disclosed protein is a soluble Fas ligand, which inhibits Fas-mediated apoptosis.
- 7. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Mita et al. (Biochemical and Biophysical Research Communications 204(2): 468-474, October 28, 1994). Mita discloses an amino acid sequence represented from Gln of the 130<sup>th</sup> amino acid to C terminal amino acid residue as measure from N-terminal end of natural human Fas ligand, SEQ ID NO: 17, see attached database sheets. This disclosed protein is a soluble Fas ligand, which inhibits Fas-mediated apoptosis.

## Allowable Subject Matter

8. Claims 2-5 and 8-12 are allowed.

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#### Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alana M. Harris, Ph.D. whose telephone number is (703) 306-5880. The examiner can normally be reached on 7:00 am to 4:30 pm, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, Ph.D. can be reached on (703) 308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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308-4315 for regular communications and (703) 308-4315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

PATENT EXAMINER

Alana M. Harris, Ph.D. August 12, 2003

ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1653